



In re Patent Application of: John David Miller
Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE
TRANSPARENCY

Attorney Docket No.: 884.055US1

Serial No.: 09/210,055

Receipt is hereby acknowledged for the following in the United States Patent and
Trademark Office: RCE

CONTENTS: REQUEST FOR CONTINUED EXAMINATION (RCE) Transmittal (1 pg);
Amendment Under 37 § 1.116 (5 pages); Check in the amount of \$740.00 is attached to pay
the RCE filing fee; and return postcard.

Mailed: January 22, 2002

Due Date: January 31, 2002

Docket No.: 884.055US1

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	<i>Application Number</i>	09/210,055
	<i>Filing Date</i>	December 11, 1998
	<i>First Named Inventor</i>	John David Miller
	<i>Group Art Unit</i>	2672
	<i>Examiner Name</i>	Thu-Thao Havan
	<i>Attorney Docket Number</i>	884.055US1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application entitled METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY.

Submission required under 37 C.F.R. § 1.114

1. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ☐
2. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ☐
3. ☒ An Amendment Under 37 CFR § 1.116 (5 pages) is enclosed.
4. ☐ A new power of attorney (☐ pages) is enclosed.
5. ☐ An Information Disclosure Statement is enclosed (☐ pages)
 - a. ☐ Form(s) 1449
 - b. ☐ Copies of IDS Citations
6. ☒ A check in the amount of \$740.00 is attached to pay the RCE filing fee required under C.F.R. § 1.17(e).
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge any fees set forth in 37 C.F.R. §§ 1.16 through 1.18 to Deposit Account No. 19-0743.
8. ☐ A petition for extension of time in the prior application (☐ pages) is enclosed along with a check in the amount of \$ to pay the extension fee.
9. ☐ Other:

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By: Danny J. Padys
Atty: Danny J. Padys
Reg. No. 35,635

Customer Number **21186**

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, D.C. 20231, on this 22 day of January, 2002.

Jane E. Brockschink

Name

Jane E. Brockschink
Signature



EXPEDITED PROCEDURE - EXAMINING GROUP 2672

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S/N 09/210,055

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John David Miller	Examiner:	Thu-Thao Havan
Serial No.:	09/210,055	Group Art Unit:	2672
Filed:	December 11, 1998	Docket:	884.055US1
Title:	METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY		

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116

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Washington, D.C. 20231

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Applicant has reviewed the Office Action mailed on October 31, 2001. Please amend the above-identified patent application as follows.

IN THE CLAIMS

Please cancel claims 1-19 and add new claims 21-37. The new claims are detailed in the following set of claims.

21. (New) A method comprising:
identifying a vector normal to a viewing surface and incident at an object having a object surface, the vector creating an angle of incidence at the object surface; and
modulating the transparency of an image of the object as a function of the angle of incidence of the vector at the object surface.
22. (New) The method of claim 21, wherein the function comprises a cosine function.
23. (New) The method of claim 21, wherein the function comprises a linear function.
24. (New) The method of claim 21, wherein the function comprises a non-linear function.

25. (New) A method for generating a transparency factor for an image of an object, the method comprising:
- selecting a viewing surface;
 - selecting a vector normal to the viewing surface;
 - determining an angle of incidence at the object surface created by the vector normal to the viewing surface; and
 - calculating the transparency factor from the angle of incidence.
26. (New) The method of claim 25, wherein calculating the transparency factor from the angle of incidence comprises:
- calculating a cosine of the angle of incidence.
27. (New) The method of claim 25, wherein calculating the transparency factor from the angle of incidence comprises:
- calculating a linear function of the angle of incidence.
28. (New) The method of claim 25, wherein calculating the transparency factor from the angle of incidence comprises:
- calculating a non-linear function of the angle of incidence.
29. (New) A computer comprising:
- a processor;
 - a computer-readable medium; and
 - a computer program capable of being executed from the computer-readable medium by the processor to modulate the transparency of an image of an object as a function of an angle of incidence of a vector at a surface of the object, the vector being normal to a viewing surface.
30. (New) The computer of claim 29, wherein the computer-readable medium comprises a storage device.

31. (New) The computer of claim 30, wherein the storage device comprises a memory.
32. (New) The computer of claim 31, wherein the function comprises a cosine function.
33. (New) The computer of claim 31, wherein the function comprises a linear function.
34. (New) The computer of claim 31, wherein the function comprises a non-linear function.
35. (New) A computer readable medium having computer-executable instructions stored thereon for performing a method of modulating the transparency of an image, the method comprising:
modulating the transparency of an image of an object as a function of the angle of incidence of a vector at the surface of the object, the vector being normal to a viewing surface.
36. (New) The computer readable medium of claim 35, where the method further comprises:
modulating the transparency linearly.
37. (New) The computer readable medium of claim 35, wherein the method further comprises:
modulating the transparency non-linearly.

REMARKS

Applicant has reviewed and considered the Final Office Action mailed on October 31 2001 and the references cited therewith.

No claims are amended, claims 1-19 are cancelled, and claims 21-37 are added; as a result, claims 21-37 are pending in the application.

Rejections Under 35 U.S.C. §103

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bier et al. (U.S. Patent No. 5,617,114) in view of Kajiwara (U.S. Patent No. 5,872,872). Applicant does not admit that Kajiwara is prior art and reserves the right to swear behind Kajiwara as provided for under 37 C.F.R. 1.131.

Claims 1-19 are cancelled, so the rejections are moot.

So called "prior art" "made of record but not relied upon"

Several patents were cited as "pertinent to applicant's disclosure" but not relied upon to reject claims. In view of the fact that the patents were not asserted against any claims, applicant need not respond either to the assertion of their pertinence or to the assertion that any of the listed patents constitutes "prior art" to any pending claim. Applicant expressly reserves the right to challenge any such assertion, should it be included in some future rejection.

Allowable Subject Matter

Claim 20 was allowed.

New Claims 21-37

New claims 21-37 have been added. Each of these claims includes "a vector normal to a viewing surface." Support for the claims 21-37 can be found in applicant's specification, for example, on page 3, lines 15-17 and in Figure 1. Since none of the cited references teach or suggest "a vector normal to a viewing surface", claims 21-37 should be allowable.

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

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Page 5
Dkt: 884.055US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN DAVID MILLER

By their Representatives,

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Date January 22, 2002 By Danny J. Pady
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Jane E. Brockhoff
Name

Jane E. Brockhoff
Signature



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Applicant: John David Miller

Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY

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Examiner: Thu-Thao Havan

Group Art Unit: 2672

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ An Amendment and Response Under 37 CFR 1.116 (1 Page).
- ☒ A copy of the Request for Continued Examination (RCE) and Amendment and Response under 37 C.F.R. 1.116 filed on January 22, 2002 (7 pgs.).

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

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